

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY JUNE 7, 1995**

Members

Present: Patrick J. Gilmartin, Chairman
William Bush, Secretary
Robert Buford
Joseph Elliot

Members

Absent: Peter Lilienfield

Also Present: Kevin J. Plunkett, Village Counsel
Ralph Mastromonaco & Bruce Donohue,
Consultants
to the Planning Board
Brenda Livingston & William Hoffman, Ad Hoc
Planning
Board Members
Eugene Hughey, Building Inspector
Florence Costello, Recording Secretary
Jan Blaire, E.C.B. Member
Joseph S. Jacoby, J&L Reporting Service,
for Westwood
Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 90-20 - John & Miriam Dedyo
Sht. 13B, Bl. 6, Lot P9B,25A,68A
94-03 - Westwood Development Associates,
Inc.
Sht. 10,11, Lot 25, 25K, P25J2
94-14 - Holy Spirit Association for the
Unification
of World Christianity
Sht. 10, P-3
94-15 - James Dinan
Sht. 10, P-76
95-10 - R.R. Irvington Associates
Lot(s) #43 & #47
95-11 - John & Jane Nadasi
Sht. 10B, Bl. 230, Lot 1

95-12 - Bruce & Deena Goldsmith

Sht. 12A, Lot(s) 1A, 1B

95-13 - Thomas Devlin

49 Osceola Avenue

The Chairman called the meeting to order at 8:00 p.m.

The Chairman presented copies of the following documents to the Board relating to the Adelson matter (IPB #95-09): (1) Copy of Conservation Easement dated July 24, 1991 between Randall and the Westchester Land Trust, (2) Letter from Jerry Mulligan, Deputy Commissioner, Westchester County Planning Board dated May 22, 1995, (3) Letter dated May 19, 1995 from the Westchester Land Trust.

The Chairman also presented a letter form Mr. Carlos Ramirez dated May 15, 1995 regarding the existing easement over his property at 56 West Clinton Avenue.

The Chairman introduced Mr. William Hoffman who will serve as an Ad Hoc Planning Board member, replacing Steven Gersh.

IPB Matter #95-11:

**Application of John & Jane Nadasi
for Site Development Plan
Approval for property at 36
Hudson Avenue.**

Mr. John Nadasi appeared personally for the Application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The Applicant is requesting Site Development Plan Approval for an alteration which will increase the cubic area enclosed by roof and exterior walls, adding a total of about 732 square feet of floor area on a total of two floors, a total of about 7,600 cubic feet to the existing building. The project, when completed, will increase the footprint of the present building by about 310 square feet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that this application is for a proposed action which is a Type

II action under SEQRA and therefore the filing of an Environmental Assessment Form was not necessary.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined that in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #95-13:

Application of Thomas Devlin for Site Development Plan Approval for property at 49B Osceola Avenue.

Andrew Wynnyk, Architect, and Mrs. Devlin appeared personally for the Application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed development consists of the renovation of an existing one family residence with a proposed addition to accommodate a growing family. The

increase will be a total of approximately 3,000 square feet on a total of two floors

Mr. John Macca, a neighbor at 47 Osceola Ave., raised concerns regarding the existing water and sewer pipes and the possible blocking of traffic by construction equipment on Osceola Avenue. The Chairman referred to a memorandum from Ralph Mastromonaco, dated June 7, 1995, stating that there are no engineering concerns relating to the project.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Chairman also with the Board's concurrence stated that approval of the project would be conditioned on the Building Inspector monitoring the impact of the project on the existing sewer and water lines and on the free passage of traffic on Osceola Avenue. The Board then determined this application to be a Type II Action under SEQRA and therefore the filing of an Environmental Assessment Form was not necessary.

After discussion, on motion duly made, seconded unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any

Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, but on condition that the conduct of the work must not impede traffic on Osceola Avenue or damage existing utility lines that serve other properties.

IPB Matter #95-12: **Application of Bruce & Deena Goldsmith for Site Capacity Determination for property at Cyrus Field Road.**

Stephen Tilly, Architect, appeared for the Applicant. Applicant paid a fee of \$150.00 for an Application of Site Capacity Determination. Applicant submitted a Survey of Property prepared by Charles Riley, Land Surveyor, dated December 27, 1994, Cover Sheet #C1, Zoning Code Compliance Data, List of Drawings, Location Plan, Site Plan, dated May 17, 1995, Sheet L-SC, Site Capacity Survey, dated May 24, 1995, Sheet L-1, Site Plan, dated May 18, 1995, Sheet L-2, Grading/Drainage, dated May 18, 1995, and Sheet P-1, Tree Removal/Protection, dated May 15, 1995, and Short Environmental Assessment Form.

Applicant plans to build one single family house on a 10.1818 acre site off Cyrus Field Road.

The Board reviewed and completed the Short Form Environmental Assessment Form and declared the proposed action a Type II Action under SEQRA. After discussion the Board determined that the property had a site capacity of at least one dwelling unit. No other determination of site capacity was made by the Board.

IPB Matter #95-10: **Application of R.R. Irvington Associates for Site Development Plan Approval for Lot #43 and Lot #47, Irvington Manor Subdivision.**

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff

Hocherman Davis & Hollis, P.C., and Barry E. Milowitz, Architect, appeared for the applicant. Applicant paid a \$500.00 application fee for an Application for Site Development Plan Approval and submitted affidavits of mailing and publication. The Chairman opened the public hearing.

Prior to proceeding to consideration of Lots #43 and #47, the Board discussed the letter from Mr. Reynold Gheduzzi regarding the proposed improvements to the emergency access road. Mr. Steinmetz stated he had contacted Mr. Gheduzzi as requested by the Board and had discussed the Applicant's plans for the emergency access road with him. After further discussion, the Board suggested and the Applicant agreed to provide two weeks advance notice prior to doing any work on the emergency access road.

Lot #43

The Board noted that it had conducted a site visit to the property. It also referred to Mr. Mastromonaco's memorandum dated May 15, 1995 commenting on the proposed plans. The Applicant presented revised plans dated June 6, 1995 which reflected the changes recommended by Mr. Mastromonaco. There were no comments from the public. Mr. Mastromonaco raised a concern relating to the need for a pump in the house for the sewer system. After discussion, the Applicant stated that it would restudy the possibility of having the sewer system work by gravity instead of a pump to see if it were feasible.

On motion duly made, seconded and unanimously approved, the Board determined the Application was for a Type II Action under SEQRA. The public hearing was closed and the Board granted final Site Development Plan approval for Lot #43.

Lot #47

The public hearing on Lot #47 was continued. The Applicant presented revised plans dated June 6, 1995 which reflected the changes suggested by Mr. Mastromonaco in his memorandum dated May 15, 1995. There were no comments from the public and the public hearing was closed. After discussion, on motion duly made, seconded and unanimously approved, the Board determined the Application was for a Type II Action under SEQRA and granted final Site Development Plan approval for Lot #47.

IPB Matter #94-14:

**Application of Holy Spirit
Association for the Unification
of World Christianity for East
Garden Subdivision.**

The Applicant was represented by Norman Sheer, Esq., Michael R. Sterlacci, P.E., and Michael Ingles of the Holy Spirit Association..

The Applicant submitted: Sheet 1, East Garden, prepared by Michael R. Sterlacci, dated May 3, 1994, revised September 12, 1994, Sheet 2, East Garden, dated May 3, 1994, revised March 15, 1995, Sheet 3, Preliminary Layout, East Garden, dated May 3, 1994, revised May 22, 1995, Sheet 4, Tree Location Plan, dated March 8, 1995, revised May 22, 1995, Sheet 5, Utility Plan, dated March 16, 1995, revised May 26, 1995, Sheet 6, dated January 10, 1995, revised April 18, 1995, and Sheet 7, Erosion Control Plan, dated January 15, 1995, revised May 26, 1995.

The public hearing on the Application was continued. The Applicant presented a draft of resolutions approving the Application for the Board's approval which reflected the Chairman's prior comments.

The Board reviewed with the Applicant its revised plans including the plans for erosion control and tree protection. The Applicant also noted that as a result of discussions with the Water Department there would be three laterals for water service from Sunnyside Lane and three laterals from Center Street.

Mrs. Riolo raised questions concerning the projected traffic increase from the project which were discussed by the Board and the Applicant. She also asked about the proposed occupants for the houses. The Applicant responded that the houses were to be occupied by traditional families. There were no further comments from the public and the public hearing was closed.

The Board discussed and agreed with the Applicant's computation of the recreation fee.

The Board deferred further action on the Application until its July meeting.

IPB Matter #94-03:

Application of Westwood Development Associates for Limited Site Plan Approval and Subdivision Approval for property at Broadway, Riverview Road, and Mountain Road.

The Board scheduled a Special Meeting for 8:00 PM on Wednesday, June 28, 1995 for the purpose of declaring itself Lead Agency for SEQRA purposes and completion of the Environmental Assessment Form.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated herein by reference.

IPB Matter #90-20:

Application of John & Miriam Dedyo for Informal Discussion for property at Park Road.

Mr. Dedyo appeared. The Chairman gave Mr. Dedyo a copy of Mr. Plunkett's response dated June 7, 1995 to Mr. Dedyo's questions to the Board in his letter of April 7, 1995. No further action was taken.

IPB Matter #94-15:

Application of James Dinan for Subdivision Approval for property at 10 North Broadway.

This matter was adjourned to July at Applicant's request.

The Board then considered the following administrative matters:

- The Chairman noted that the Subdivision Regulations of the Village (Chapter 207 of the Village Code) require the In Lieu Fee pursuant to Section 207-20 of the Subdivision Regulations which is payable by a subdivider who is required to dedicate to the Village less than a Proportionate Recreation Share in order to meet New Development Park Demand is to escalate every

January 1, based on the change in the US. Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) US. City average, all items. Because the index is prepared on a monthly basis, rather than on a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index for December as a benchmark for the index as of January 1, in each year rather than to use the January index, and to use index unadjusted for seasonal variation. The index in December 1988 was 355.0 1967=100. The index in December 1994 was 438.6 up from 426.8 in December 1993. The Board then calculated the In Lieu Fee applicable to the calendar year 1995 as follows:

CPI December 1994 438.6
CPI December 1988 355.0
 $438.6\% - 355.0 = 123.55\%$
 $\$6,000 \times 123.55\% = \$7,413.00$

On motion duly made, seconded and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to calendar year 1995 to be \$7,413.00.

- Minutes of the Planning Board held on May 10, 1995, previously distributed, were, on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for Wednesday, July 12, 1995.

There being no further business, the meeting was adjourned.

Respectfully submitted,

William Bush, Secretary